February 10, 2000

VIA E-MAIL AND OVERNIGHT DELIVERY

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

Re: Request for Comments on KPMG's Proposed Scope Change to the Master Test Plan; D.T.E. 99-271

Dear Secretary Cottrell:

RCN BecoCom, LLC. ("RCN"), by undersigned counsel, hereby submits its comments on a proposal by KPMG, LLP ("KPMG") to modify the Master Test Plan ("MTP") to be used in testing the operations support system ("OSS") interfaces of Bell Atlantic - Massachusetts ("BA-MA"). KPMG has proposed that the Department revise the methodology for normal, peak and volume tests of BA-MA's OSS interfaces to base transaction quantities on projected six-month volumes instead of projected eighteen-month volumes. This proposal will result in a less rigorous test of BA-MA's OSS interfaces. Therefore, RCN respectfully urges the Department to reject KPMG's proposal.

Under 47 U.S.C. § 271, BA-MA must prove that it offers nondiscriminatory access to OSS to obtain approval to provide in-region interLATA service. BA-MA must prove that its OSS interfaces are ready and capable of handling existing and reasonably foreseeable volumes designed to manage both current and projected demand by competing carriers.[1/] Without nondiscriminatory access to OSS, CLECs are, in effect, prevented from competing in the local exchange market. *New York 271 Order*, at ¶ 83. The KPMG OSS test plays a crucial role in the progress of local competition because it is the means by which the Department and the FCC will determine whether BA-MA's OSS interfaces support competitive local exchange carriers' ("CLECs") entry into the local market.

[1/] *See Application by BA-MA New York for Authorization to Under Section 271 of the Communications Act to Provide In-Region InterLATA Service in the State of New York*, Memorandum Opinion and Order, CC Docket No. 99-295, FCC 99-404, at ¶¶ 88-89 (rel. December 22, 1999) ("*New York 271 Order*").

KPMG's proposal would not provide the Department or the FCC with sufficient information to evaluate whether BA-MA is providing nondiscriminatory access to its OSS. KPMG's suggested use of six months projected volume for transaction testing is too short a period to provide the Department and the FCC the data to determine whether BA-MA's OSS interfaces are designed to accommodate both "current and projected," as well as "reasonably foreseeable," demand. *Id.* at ¶¶ 88-89. In addition, because a less rigorous OSS test would most likely mean better BA-MA performance, it would mask OSS problems that could stifle competition. If the Department and the FCC approve BA-MA's Section 271 application based on KPMG's weakened test, they run risk of discovering shortly thereafter that BA-MA's OSS interfaces are incapable of handling commercial volumes. Moreover, if review of BA-MA's Section 271 application takes longer than six months, as is possible, an OSS test modified by KPMG's proposal would be significantly less valuable than a test based on longer projected volumes.

The KPMG proposal also differs from the Bell Atlantic - New York ("BA-NY") OSS test, which used eighteen-month projected volumes. The FCC noted in the *New York 271 Order* that extensive third-party testing of BA-NY's OSS interfaces was a crucial factor in the FCC's decision to grant BA-NY Section 271 authority. *Id.* at ¶ 10. The FCC stated that it would not require all future OSS tests to follow the BA-NY model, but stressed that the weight given to a third-party test would be dependent on the conditions and scope of review. *Id.* at ¶ 100. Therefore, if the Department allows KPMG to weaken the OSS test by using six-month projected volumes, instead of eighteen-month projected volumes, the resulting test will certainly be less persuasive.

Finally, RCN is concerned not only with the substance of KPMG's proposal but also with the method by which KPMG originally proposed the change – during a conference call. KPMG's initial unilateral attempt to change a standard adopted in the MTP with minimal notice to interested CLECs and without the approval of the Department was inappropriate. Changing the transaction tests from eighteen-month volumes to six-month volumes, in effect, holds BA-MA to a more lenient standard. KPMG does not have the authority to make such a decision.

Respectfully submitted,

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cc: Joseph Kahl
DTE 99-271 Active Party List